

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,)
)
 v.)
)
 ALISON GU,)
 Defendant)

Case No. 2:16-CR-000084-1

MOTION FOR AUTHORIZATION TO TRAVEL

Defendant, Alison Gu, by her attorney, Assistant Federal Defender David L. McColgin, moves this Court for an order authorizing her travel to Connecticut on April 6, 2017, returning on April 10, 2017. In support, counsel asserts the following:

A. Background

Ms. Gu is charged in a three-count superseding indictment with bank fraud, false statement in passport application, and fraud with identification documents. She was arraigned on the original indictment on June 29, 2016, and released on conditions that permitted her to travel without prior authorization between Vermont and Connecticut. She was required to obtain advance authorization from her supervising Pre-trial Services Officer for travel to other states. Ms. Gu's supervision was by Pre-trial Services in Connecticut because she has a residence there. On July 19, 2016, a superseding indictment was issued adding Matthew Abel as a co-defendant on count one. Ms. Gu was continued on the same conditions of release.

On March 9, 2017, a bond hearing was held before Magistrate Judge John M. Conroy to review Ms. Gu's conditions of release. By agreement, Ms. Gu's conditions of release were modified to include the requirement that Ms. Gu provide the probation officer with all requested

financial information, that she consent to periodic credit report requests, and that she not engage in conduct using alias identifications. In addition, Ms. Gu's supervision was transferred from Connecticut to Vermont, in view of that fact that she is now spending about half of each week in Vermont, where her son is attending high school.

Also on March 9, 2017, the government filed a motion for revocation of release. *See* Doc. 94. On April 3, 2017, a hearing on the government's motion was held before Judge Conroy. The Court denied the government's motion and ordered Ms. Gu be continued on release with revised conditions. The revised order added the conditions that Ms. Gu submit to any drug testing required by pretrial services, that she be restricted to home detention, and that she submit to the use of location monitoring technology as directed by pretrial services.

B. The travel to Connecticut

Ms. Gu has previously been free under the conditions of her release to travel between Vermont and Connecticut because she has a residence in both locations and also needs to attend court appointments and counsel visits in both locations. Condition # 8(i), states that her "travel [be] restricted to VT and CT. Any other travel must be preapproved by Pretiral Services." Since location monitoring has been imposed, however, her probation officer requires that she receive court approval for any travel outside of Vermont. Ms. Gu is requesting permission to travel to her home in Cheshire, Connecticut, on April 6, 2017, and returning on April 10, 2017. Ms. Gu has a few personal appointments in Connecticut scheduled for Thursday, April 6, 2017, and Friday, April 7, 2017. Additionally, two of her children have social and athletic events occurring there over the weekend, on April 8 and 9.

First, Ms. Gu has a meeting on Thursday, April 6, 2017, with her attorney in Danbury,

Connecticut, Jackie Chan, Esq., regarding her pending case in Connecticut. The defense has confirmed with Attorney Chan that Ms. Gu has an appointment scheduled at 12:00 p.m. on April 6. Ms. Gu's also states that her seventeen year-old son also has a medical appointment at Pediatric Associates of Cheshire at 11:20 a.m. on April 6, but the defense has not heard back from the doctor's office to confirm this appointment. Second, Ms. Gu has a counseling session with Dr. Joanna Garfinkle, in New Haven, Connecticut, which is tentatively scheduled for 2:00 p.m. on Friday, April 7. The defense has confirmed this appointment with Dr. Garfinkle. Lastly, Mr. Gu states that her seventeen year-old son and her thirteen year-old daughter, have several social engagements scheduled with their friends in Cheshire this weekend. Ms. Gu intends to leave Vermont on the morning of April 6 and return back to Vermont on April 10, leaving Cheshire, Connecticut, at about 4:30 a.m. on Monday morning. While in Connecticut, she and her children intend to stay at her second home, which is located in Cheshire.

Counsel has been informed by Probation Officer Michael Cusick, who has been supervising Ms. Gu since the her last bond hearing on March 9, 2017, that he is unwilling to authorize the travel without the Court's approval. The government, per Assistant United States Attorney Michael Drescher, opposes this travel request except for the medical- and attorney-related appointments.

Ms. Gu has previously been granted permission to travel to Florida without incident, and there is no evidence that she is a risk of flight. Furthermore, her conditions of release, as noted above, appear to permit Ms. Gu to travel between Vermont and Connecticut without first seeking preapproval from Pretrial Services or the Court.

C. Conclusion

For the foregoing reasons, this Court should grant the motion for authorization to travel, permitting Ms. Gu to travel to Connecticut on April 6, 2017, and return to Vermont on April 10, 2017.

Dated: April 5, 2017

MICHAEL L. DESAUTELS
FEDERAL PUBLIC DEFENDER

By: /s/ *David L. McColgin*
David L. McColgin
Assistant Federal Public Defender
Office of the Federal Public Defender
126 College Street, Suite 410
Burlington, VT 05401
802-862-6990
Counsel for Alison Gu

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,)
)
 v.)
)
 ALISON GU,)
 Defendant)

Case No. 2:16-CR-000084-1

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2017, I electronically filed a **Motion for Authorization to Travel** with the Clerk of Court using the CM/ECF system, which will send notification of such filing(s) to the following: Michael Drescher, Assistant United States Attorney, United States Attorney's Office via Michael.drescher@usdoj.gov.

MICHAEL L. DESAUTELS
FEDERAL PUBLIC DEFENDER

By: /s/ *Samantha M. Barrett*
SAMANTHA M. BARRETT
Legal Assistant
Office of the Federal Public Defender
126 College St., Ste. 410
Burlington, VT 05401